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7
8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-1089

13 **CRAIG ROBERT BELL**
1903 Baywood Square
San Jose, CA 95132

ACCUSATION

14 Vocational Nurse License No. VN 116325

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
21 Nursing and Psychiatric Technicians.

22 2. On or about August 18, 1983, the Board of Vocational Nursing and
23 Psychiatric Technicians issued Vocational Nurse License Number VN 116325 to Craig Robert
24 Bell (Respondent). The Vocational Nurse License expired on February 28, 2007, and has not
25 been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Vocational Nursing and
28 Psychiatric Technicians (Board), under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2875 of the Business and Professions Code (Code) provides, in
4 pertinent part, that the Board may discipline the holder of a vocational nurse license for any
5 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice
6 Act.

7 5. Section 118(b) of the Code provides, in pertinent part, that the expiration
8 of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during
9 the period within which the license may be renewed, restored, reissued or reinstated. Under
10 section 2892.1 of the Code, the Bureau may renew an expired license at any time within four
11 years after the expiration.

12 6. Section 2878 of the Code states:

13 "The Board may suspend or revoke a license issued under this chapter [the
14 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

15

16 "(f) Conviction of a crime substantially related to the qualifications, functions,
17 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
18 conclusive evidence of the conviction.

19

20 7. Section 2878.5 of the Code states:

21 In addition to other acts constituting unprofessional conduct within the meaning
22 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person
23 licensed under this chapter to do any of the following:

24 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
25 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
26 administer to another, any controlled substance as defined in Division 10 of the Health and
27 Safety Code, or any dangerous drug as defined in Section 4022.

28 / / /

1 "(b) Use any controlled substance as defined in Division 10 of the Health and
2 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
3 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
4 or to the extent that the use impairs his or her ability to conduct with safety to the public the
5 practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving possession of any narcotic or
7 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
8 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
9 conclusive evidence thereof.

10
11 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
12 request the administrative law judge to direct a licensee found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 **CONTROLLED SUBSTANCE**

16 9. **"Cocaine"** is a Schedule II controlled substance as designated by Health
17 and Safety Code section 11055(d)(6).

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Substantially Related Conviction)**

20 10. Respondent is subject to disciplinary action pursuant to section 2878(f) of
21 the Code, in that he was convicted of a criminal offense which is substantially related to the
22 qualifications, functions, and duties of a licensed vocational nurse, as follows:

23 a. On or about August 1, 2008, in the criminal proceeding entitled *People of*
24 *the State of California vs. Craig Bell*, Superior Court of California, County of San Mateo, Case
25 No. SM358214A, Respondent was convicted on his plea of nolo contendere to a violation of
26 Penal Code section 460(B) (intent to commit larceny), a misdemeanor.

27 b. Respondent was sentenced to two (2) years court probation and twenty-one
28 (21) days in county jail.

1 c. The underlying circumstances are that on or about May 29, 2008,
2 Respondent stole multiple items from a Safeway Store in Belmont, California. Respondent told
3 the police that he was going to sell coffee that he stole to buy "crack."

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Substantially Related Convictions)**

6 11. Respondent is subject to disciplinary action pursuant to section 2878(f) of
7 the Code, in that he was convicted of criminal offenses which are substantially related to the
8 qualifications, functions, and duties of a licensed vocational nurse, as follows:

9 a. On or about December 27, 2007, in the criminal proceeding entitled
10 *People of the State of California vs. Craig Robert Bell*, Superior Court of California, County of
11 Santa Clara, Case No. BB730491, Respondent was convicted on his plea of nolo contendere to a
12 violation of Health and Safety Code section 11350 (possession of a controlled substance,
13 cocaine), a felony, Health and Safety Code section 11364 (possession of controlled substance
14 paraphernalia), a misdemeanor, Penal Code section 602.5(b) (aggravated trespass), a
15 misdemeanor, and Penal Code section 242/243(A) (battery), a misdemeanor.

16 b. Respondent was sentenced to seven (7) months in prison and three (3)
17 years formal probation. Respondent was ordered to participate in a substance abuse program.

18 c. The underlying circumstances are that on or about November 13, 2007,
19 Respondent, while under the influence of cocaine, told the police that he was hallucinating and
20 that he believed that someone was chasing him. Respondent forced his way into another
21 person's residence, grabbed the occupant's wrist and pushed the occupant.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Possession of Controlled Substance)**

24 12. Respondent is subject to disciplinary action pursuant to section 2878.5(a)
25 of the Code, on the grounds of unprofessional conduct, in that on or about November 13, 2007,
26 Respondent possessed cocaine, a controlled substance, as set forth in paragraph 11, above.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Use of Controlled Substance to Dangerous Extent)**

3 13. Respondent is subject to disciplinary action pursuant to section 2878.5(b)
4 of the Code, on the grounds of unprofessional conduct, in that on or about November 13, 2007,
5 Respondent used cocaine, a controlled substance, to an extent or in a manner dangerous or
6 injurious to himself, any other person, or the public, or to the extent that the use impaired his
7 ability to conduct with safety to the public the practice authorized by his license, as set forth in
8 paragraph 11, above.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Conviction Involving Controlled Substance)**

11 14. Respondent is subject to disciplinary action pursuant to section 2878.5(c)
12 of the Code, on the grounds of unprofessional conduct, in that on or about December 27, 2007,
13 Respondent was convicted of a criminal offense involving possession of cocaine, a controlled
14 substance, as set forth in paragraph 11, above.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Act Involving Dishonesty)**

17 15. Respondent is subject to disciplinary action under section 2878(j) of the
18 Code, in that Respondent committed an act involving dishonesty, as set forth in paragraph 10,
19 above.

20 **OTHER MATTERS**

21 16. On or about March 29, 1990, in the criminal proceeding entitled *People of*
22 *the State of California vs. Craig Robert Bell*, Superior Court of California, County of Santa
23 Clara, Case No. 137173, Respondent was convicted of violating Penal Code section 666 (petty
24 theft with prior).

25 17. On or about September 25, 1989, in the criminal proceeding entitled
26 *People of the State of California vs. Craig Robert Bell*, Superior Court of California, County of
27 Santa Clara, Case No. 132372, Respondent was convicted of violating Health and Safety Code
28 section 11350(a) (possession of cocaine) and Health and Safety Code section 11550 (under the

1 influence of cocaine).

2 18. On or about June 8, 1989, in the criminal proceeding entitled *People of the*
3 *State of California vs. Craig Robert Bell*, Superior Court of California, County of Santa Clara,
4 Case No. C8894609-B, Respondent was convicted of violating Health and Safety Code section
5 11550 (under the influence of a controlled substance).

6 19. On or about April 20, 1989, in the criminal proceeding entitled *People of*
7 *the State of California vs. Craig Robert Bell*, Superior Court of California, County of Santa
8 Clara, Case No. C8895814, Respondent was convicted of violating Penal Code section 484-488
9 (petty theft).

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board issue a decision:

- 13 1. Revoking or suspending Vocational Nurse License Number VN 116325,
14 issued to Craig Robert Bell;
- 15 2. Ordering Craig Robert Bell to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: March 17, 2009

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23 TERESA BELLO JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Board of Vocational Nursing and Psychiatric Technicians
26 State of California
27 Complainant
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